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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
11/160,060	06/07/2005	Murray Walter Pisony	53602-6	1059
23971 7590 09/28/2007 BENNETT JONES C/O MS ROSEANN CALDWELL 4500 BANKERS HALL EAST 855 - 2ND STREET, SW CALGARY, AB T2P 4K7 CANADA			EXAMINER ADAMS, GREGORY W	
			ART UNIT 3652	PAPER NUMBER
			MAIL DATE 09/28/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No.

11/160,060

Applicant(s)

PISONY, MURRAY WALTER

Examiner

Gregory W. Adams

Art Unit

3652

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-22 is/are pending in the application.
- 4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) ____ is/are allowed.
- 6) ☒ Claim(s) 1-22 is/are rejected.
- 7) ☐ Claim(s) ____ is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on ____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. ____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|----------------------------------------------------------------------------------------|-------------------------------------------------------------------|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. ____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>10/25/05</u> . | 6) <input type="checkbox"/> Other: ____ |

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Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 1-22 are rejected under 35 U.S.C. 102(b) as being anticipated by McLeod et al. (CA 2315046) (previously cited).

With respect to claims 1-6 & 12-22, McLeod discloses an apparatus comprising:

- (a) a vehicle drive means pulling a trailer,
- (b) a receiving bin and a conveyor 15,
- (c) operatively connected to a conveyor assembly, is a unscrambling hopper 18, row conveyor 19, stacking bin 20 and bundling assembly 21,
- (d) a discharge platform 22, and
- (e) a grapple assembly 28.

With respect to claims 7-8, McLeod discloses a means (p14/L10-25) of raising and lowering a conveyor assembly.

With respect to claims 9-11, McLeod discloses a method of picking up, stacking and bundling lumber, comprising:

- (a) providing an apparatus that comprises:
 - (i) a conveyor assembly that comprises a receiving bin 16 and a conveyor 15;

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- (ii) a stacking assembly that comprises an unscrambling hopper 18, a row conveyor 19, a stacking bin 20 and a bundling assembly 21;
- (iii) a discharge platform 22, and
- (vi) a grapple assembly 28,
- (b) picking up loose lumber with a grapple and depositing it into a receiving bin, and
- (c) conveying loose lumber along a conveyor to a stacking assembly, where lumber is stacked and bundled into a bundle of lumber and deposited onto a discharge platform.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Gregory W. Adams whose telephone number is (571) 272-8101. The examiner can normally be reached on M-Th, 8:30am-5pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Saul Rodriguez can be reached on (571) 272-7097. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

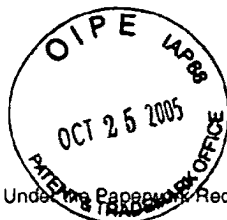
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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

GWA *GWA*

Saul Rodriguez
SAUL RODRIGUEZ
SUPERVISORY PATENT EXAMINER



PTO/SB/08A (08-03)
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Substitute for form 1449/PTO INFORMATION DISCLOSURE STATEMENT BY APPLICANT (use as many sheets as necessary)		Complete if Known	
		Application Number	11/160,060
		Filing Date	June 07, 2005
		First Named Inventor	PISONY, Murray Walter
		Art Unit	3652
Examiner Name			
Sheet 1	of 1	Attorney Docket Number	53602-6

U.S. PATENT DOCUMENTS					
Examiner Initials*	Cite No.†	Document Number	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Number-Kind Code* (if known)			
/G.A./		US-2004/0084111 A1	05/06/2004	Tardiff	
		US-6,779,570 B2	08/24/2004	Tardiff	
		US-4,947,904	08/14/1990	Dika	
		US-6,363,980 B1	04/02/2002	Kurelek	
		US-3,910,326	10/07/1975	Tucek	
		US-3,631,995	01/04/1972	Jones et al	
		US-3,730,367	05/01/1973	Heffington	
		US-4,023,848	05/17/1977	Bennett	
		US-4,005,894	02/01/1977	Tucek	
		US-3,933,389	01/20/1976	Korbel	
		US-2005/0132667A1	06/23/2005	Mcleod	
		US-5,934,861	08/10/1995	Mcleod	
		US-6,401,368	06/11/2002	Mcleod	
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FOREIGN PATENT DOCUMENTS					
Examiner Initials*	Cite No.†	Foreign Patent Document	Publication Date MM-DD-YYYY	Name of Patentee or Applicant of Cited Document	Pages, Columns, Lines, Where Relevant Passages or Relevant Figures Appear
		Country Code* Number* Kind Code* (if known)			
/G.A./		CA 2,360,868	07-25-2002	Mcleod et al	
/G.A./		CA 2,241,682	02-26-1999	Mcleod et al	
/G.A./		CA 2,315,046	02-03-2002	Mcleod et al	

Examiner Signature	/Gregory Adams/	Date Considered	09/10/2007
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*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609. Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant. †Applicant's unique citation designation number (optional). *See Kinds Codes of USPTO Patent Documents at www.uspto.gov or MPEP 901.04. *Enter Office that issued the document, by the two-letter code (WIPO Standard ST.3). *For the Japanese patent documents, the indication of the year of the reign of the Emperor must precede the serial number of the patent document. *Kind of document by the appropriate symbols as indicated on the document under WIPO Standard ST. 16 if possible. *Applicant is to place a check mark here if English language Translation is attached. This collection of information is required by 37 CFR 1.97 and 1.98. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 2 hours to complete, on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450

If you need assistance in completing the form, call 1-800-PTO-9199 (1-800-786-9199) and select Option 2.

Notice of References Cited	Application/Control No. 11/160,060	Applicant(s)/Patent Under Reexamination PISONY, MURRAY WALTER	
	Examiner Gregory W. Adams	Art Unit 3652	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-4,127,070	11-1978	Dieringer et al.	104/9
*	B	US-3,414,027	12-1968	LARVA SR WILBERT J; et. al.	83/94
*	C	US-5,697,753	12-1997	Aurora et al.	414/398
	D	US-			
	E	US-			
	F	US-			
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	I	US-			
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	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.